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HUMAN RIGHTS COMMITTEE
Sixty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Italy

1. The Committee considered the fourth periodic report of Italy (CCPR/C/103/Add.4) at its 1679th and 1680th meetings (see CCPR/C/SR.1679 and 1680), held on 17 July 1998, and adopted the following concluding observations at its 1693rd meeting (CCPR/C/SR.1693), held on 28 July 1998.

A. Introduction

2. The Committee expresses its appreciation to the State party for its report and for the provision, by its delegation, of further information about developments of the human rights situation in Italy up to the time of the examination. It notes that the dialogue between the Committee and the delegation proceeded in a satisfactory manner in the course of the examination itself the answers and explanations given by the delegation have enabled the Committee to grasp not only the legal norms and enactments governing the obligations set out in the Covenant, but also the extent to which these rights may actually be enjoyed by the people of the country.

B. Positive aspects

3. The Committee is pleased to note that Italy has ratified the Second Optional Protocol to the Covenant and that the Constitutional Court in 1996 reinforced the right to life by declaring unconstitutional the law ratifying a treaty of extradition on the grounds that there was no absolute guarantee in law that the person concerned would not be executed.

4. The Committee commends the action taken to reduce the length of a nominal life sentence to a maximum finite sentence.

5. It is noted with appreciation that the judiciary has begun to treat offences concerning trafficking of women and others for the purpose of prostitution as acts which can be assimilated to slavery and contrary to international and national law.

6. The Committee welcomes the institution of the Ministry of Equal Opportunities and the 1997 plan to implement the results of the Fourth World Conference on Women.

7. The Committee appreciates the recent changes in legislation concerning controls applied to illegal immigrants, which improve their rights while awaiting a decision on admission and the possibility of family reunion in the case of admission and which bring more into line with article 13 the guarantees for such persons before they may be deported.

8. Legislation has been passed to regulate the collection and use of personal computerized data along with another measure subjecting wire-tapping to strict control, both of which, in the Committee's opinion, assist in the implementation of article 17 of the Covenant.

9. The Committee welcomes the establishment of the National Observatory on Religious Freedom and the fact that its activities include dealing with complaints about constraints on religious freedom.

10. The Committee notes with satisfaction that with regard to its concerns, expressed on concluding its examination of Italy's third periodic report, about the excessive concentration of control of the mass information media in the hands of a small group of people, new laws regulating the extent of control of such media have been passed to overcome this situation.

C. Principal subjects of concern and recommendations

11. The Committee reiterates its regret that Italy has still not withdrawn any of its reservations to the Covenant; it recommends that all the reservations should be reconsidered with the object of determining whether their continuance is really necessary.

12. The Committee regrets that there remain structural and cultural problems preventing the full enjoyment by women of equal opportunities in public and political life and in employment and that equal pay is often not given for work of equal value. It recommends that urgent steps be taken, by way of education, encouragement and legal means, to reduce or eliminate these inequalities. The Committee would like to receive information on the de facto situation of women, including statistics, in the next report.

13. The Committee remains concerned at the inadequacy of sanctions against police and prison officers who abuse their powers. It recommends that due vigilance be maintained over the outcome of complaints made against members of the carabinieri and against prison officers.

14. The Committee recommends that the maximum period during which a person may be held in custody following arrest on a criminal charge be reduced, even in exceptional circumstances, to less than the present five days and that the arrested person be entitled to access to legal advice as soon as he or she is arrested.

15. The Committee has again paid close attention to the Italian system of holding offenders, before and after trial, in "preventive detention" until the final stages of any possible appeal have been exhausted and the sentence has been finalized. It notes that the maximum period for such detention is set by reference to the penalty for the offence of which the person stands accused, and can last up to six years; this could constitute an infringement of the presumption of innocence (art. 14, para. 2) and the right to the principle of a fair trial within a reasonable time or to release (art. 9, para. 3). The Committee therefore recommends that (i) the linkage between the offence with which a person has been charged and the length of detention from the time of arrest up to final sentence should not be maintained; and (ii) that the grounds for preventive detention be restricted to those cases in which such detention is essential to protect legitimate interests, such as the appearance of the accused at the trial.

16. The Committee notes that changes in the Code of Criminal Procedure have resulted in some reduction in the numbers of persons held in "preventive detention". It is concerned, however, that prison overcrowding remains a serious problem and recommends that urgent attention be paid to the rectification of this situation (art. 10).

17. The Committee's attention has been drawn to steps taken to speed up both criminal and civil trials, but it is concerned that, so far, no result has become apparent. It therefore recommends that further measures be taken to increase the efficiency and promptness of the entire system of justice (art. 14, para. 3 (c)).

18. The Committee is concerned at the increase in incidents of racial intolerance. It recommends that all measures by way, for example, of legal constraint and education be continued to eradicate this phenomenon (arts. 3 and 26).

19. It is noted that delays continue to occur with respect to passing legislation concerning the following: the introduction into the Criminal Code of the offence of torture as defined in international law (art. 7); the provision of both criminal and civil sanctions against those who perpetrate domestic violence (arts. 3, 23 and 24); the introduction of measures giving effect to further improvement of the rights of persons belonging to ethnic, religious and linguistic minorities and for the protection of the rights of the Slovenian minority (art. 27).

20. The Committee requests the State party to ensure the wide dissemination in Italy of the State party's report and the Committee's concluding observations, and to inform the Committee of steps taken to implement the observations in its fifth periodic report, due in June 2002.